

AMENDED IN ASSEMBLY JANUARY 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 729

Introduced by Assembly Member Atkins

February 25, 2015

An act to ~~amend Section 5.5 of~~ *add Section 5.7 to* the San Diego Unified Port District Act (Chapter 67 of ~~the First Extraordinary Session of the Statutes of 1962, First Extraordinary Session, 1962~~), relating to the San Diego Unified Port ~~District. District, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 729, as amended, Atkins. San Diego Unified Port District: territory held in trust.

~~Existing~~

(1) *Existing* law authorizes the establishment of the San Diego Unified Port District for the acquisition, construction, maintenance, operation, development, and regulation of harbor works and improvements for the harbor of San Diego and for the promotion of commerce, navigation, fisheries, and recreation. Existing law specifies the territory to be included in the district and grants and conveys in trust to the San Diego Unified Port District in the County of San Diego all the right, title, and interest of the State of California acquired by the state pursuant to specified deeds. *Existing law requires the State Lands Commission to manage specified public lands in the state, including tidelands and submerged lands. Existing law further establishes the Land Bank Fund in the State Treasury, and continuously appropriates moneys in the fund to the commission for expenditure for specified purposes related*

to land management, the preservation of open space, habitat for plants and animals, and public access.

~~This bill would make nonsubstantive changes in those provisions pertaining to the territory held in trust by the San Diego Unified Port District.~~ grant in trust to the district certain additional tidelands and submerged lands held by the state within the San Diego Bay, subject to certain terms and conditions, as prescribed. The bill would require the district, by June 30, 2017, and at the end of every fiscal year thereafter, to transfer to the State Lands Commission specified amounts of the revenues generated on those granted tidelands and submerged lands, and would require the commission to allocate those revenues to the Treasurer for deposit in the General Fund and the Land Bank Fund for management of the commission's granted lands program. By authorizing the deposit of additional moneys into a continuously appropriated fund, the bill would make an appropriation. The bill would require the commission, on or before July 1, 2019, to survey, monument, plat, and record or file with the Office of the County Recorder of the County of San Diego the area of tidelands and submerged lands granted pursuant to the bill. By imposing new duties on the district with regard to the management of, and accounting and transfer of funds from, those granted lands, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature that this act shall
- 2 not affect any existing responsibility of the state or the San Diego
- 3 Unified Port District for any pollution or contamination that may
- 4 exist in the territory granted to the district pursuant to this act, at
- 5 the time of the grant.
- 6 SEC. 2. Section 5.7 is added to the San Diego Unified Port
- 7 District Act (Chapter 67 of the First Extraordinary Session of the
- 8 Statutes of 1962), to read:

1 *Sec. 5.7. (a) There is hereby granted in trust to the district all*
2 *the right, title, and interest of the State of California, held by the*
3 *state by virtue of its sovereignty, in and to all those remaining*
4 *tidelands and submerged lands not previously granted, whether*
5 *filled or unfilled, within the San Diego Bay.*

6 *(b) The district shall own, operate, and manage the public trust*
7 *lands granted pursuant to subdivision (a) in accordance with the*
8 *same terms, trusts, and conditions as the tide and submerged lands*
9 *otherwise granted under this act.*

10 *(c) (1) (A) (i) By June 30, 2017, the district shall transfer to*
11 *the State Lands Commission the initial sum of two hundred*
12 *thirty-four thousand five hundred thirty-eight dollars (\$234,538)*
13 *from the revenues generated on the lands granted pursuant to*
14 *subdivision (a). This initial amount is based on the estimated gross*
15 *annual revenues generated, as of June 30, 2017, from the lands*
16 *granted pursuant to subdivision (a).*

17 *(ii) By June 30, 2018, and at the end of each fiscal year*
18 *thereafter, the initial sum required to be transferred pursuant to*
19 *clause (i) shall be adjusted according to the change in the*
20 *Consumer Price Index, and that adjusted amount shall be*
21 *transferred to the State Lands Commission.*

22 *(B) If the gross annual revenues generated by the lands granted*
23 *pursuant to subdivision (a) exceed the amount required to be*
24 *transferred to the commission pursuant to subparagraph (A), the*
25 *district shall, in addition, transfer to the State Lands Commission*
26 *20 percent of the total amount of the excess annual gross revenues.*

27 *(C) Notwithstanding subparagraph (B), the State Lands*
28 *Commission may, at its discretion and at a properly noticed public*
29 *meeting, enter into different revenue sharing agreements, upon*
30 *proposal by the district, if it finds that the agreement will provide*
31 *a significant benefit to the public trust and is in the best interests*
32 *of the state.*

33 *(2) Upon receipt of the moneys pursuant to paragraph (1), the*
34 *State Lands Commission shall allocate 80 percent to the Treasurer*
35 *for deposit in the General Fund, and 20 percent to the Treasurer*
36 *for deposit in the Land Bank Fund for expenditure, pursuant to*
37 *Division 7 (commencing with Section 8600) of the Public Resources*
38 *Code, for management of the commission's granted lands program.*

39 *(d) On or before July 1, 2019, the State Lands Commission shall*
40 *survey, monument, plat, and record or file with the Office of the*

1 County Recorder of the County of San Diego the area of tidelands
2 and submerged lands granted to the district pursuant to subdivision
3 (a). The district shall reimburse the State Lands Commission for
4 its surveying expenses and shall pay all costs of the survey and
5 recordation.

6 (e) The requirements of Section 6359 of the Public Resources
7 Code do not apply to the trust lands granted pursuant to this
8 section.

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local agency or school district has the authority to levy service
12 charges, fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act, within the meaning of Section
14 17556 of the Government Code.

15 SECTION 1. ~~Section 5.5 of the San Diego Unified Port District~~
16 ~~Act (Chapter 67 of the Statutes of 1962, First Extraordinary~~
17 ~~Session), is amended to read:~~

18 SEC. 5.5. ~~(a) There is hereby granted and conveyed in trust~~
19 ~~to the San Diego Unified Port District in the County of San Diego~~
20 ~~all the right, title, and interest of the State of California, except as~~
21 ~~hereafter reserved and upon those conditions that are specified in~~
22 ~~subdivision (e), acquired and held by the state pursuant to an~~
23 ~~agreement and deeds identified as Documents Number 1999~~
24 ~~0845732, 1999 0845736, and 1999 0845737, recorded December~~
25 ~~30, 1999, Official Records, San Diego County, and that are further~~
26 ~~described as follows:~~

27 ~~(1) Parcel No. 1, which consists of that portion of the southwest~~
28 ~~quarter of the southwest quarter of quarter Section 163 and that~~
29 ~~portion of the northwest quarter of the northwest quarter of quarter~~
30 ~~Section 164 of Rancho De La Nacion in the City of Chula Vista,~~
31 ~~County of San Diego, State of California, according to map thereof~~
32 ~~no. 166 filed in the Office of the County Recorder of San Diego~~
33 ~~County May 11, 1869, and all of lots 7, 8, 9, 10, and 11 and those~~
34 ~~portions of lots 1, 2, 3, 4, 5, 6, 12, 13, 14, and 15 in block "B" of~~
35 ~~resubdivision of Bay Villa Tract, according to map thereof no.~~
36 ~~1198, filed in the Office of the County Recorder of San Diego~~
37 ~~County August 6, 1909. Together with those portions of Walnut~~
38 ~~Street adjoining said block "B" on the west and the alley lying~~
39 ~~within said block "B" and that portion of "I" Street lying within~~
40 ~~said quarter Sections 163 and 164 as vacated and closed to public~~

use by resolution of the City Council of the City of Chula Vista recorded August 12, 1971, as file no. 179188 of official records described as a whole as follows:

Beginning at a point on the southerly line of said quarter Section 163, distance thereon 20.00 feet easterly from the southwest corner thereof; thence north $17^{\circ}46'58''$ west on a line 20.00 feet easterly from and parallel with the westerly line of said quarter Section 163, a distance of 1282.11 feet to a point on the southerly line of "H" Street as shown on said map no. 1198; thence along said southerly line north $72^{\circ}12'15''$ east 19.89 feet to a point on the westerly line of that land conveyed to the State of California (Caltrans) by deed recorded August 1, 1968, as file no. 130106 of official records; thence along the westerly boundary of said Caltrans land the following seven courses: (1) south $17^{\circ}48'37''$ east 5.95 feet; (2) north $74^{\circ}58'17''$ east 188.10 feet to the beginning of a tangent 45.00 foot radius curve concave southwesterly; (3) southeasterly along the arc of said curve through a central angle of $73^{\circ}18'01''$ a distance of 57.57 feet; (4) tangent to said curve south $31^{\circ}43'55''$ east 181.34 feet; (5) south $26^{\circ}51'03''$ east 342.59 feet to the beginning of a tangent 1669.99 foot radius curve concave westerly; (6) southerly along the arc of said curve through a central angle of $14^{\circ}20'28''$ a distance of 418.00 feet; and (7) south $12^{\circ}30'35''$ east 303.54 feet to the centerline of "I" Street as closed and vacated; thence along said centerline south $72^{\circ}15'16''$ west 332.90 feet to the point of beginning.

(2) Parcel No. 2, which consists of those portions of fractional quarter Section 170 and 171 of the Rancho De La Nacion in the City of Chula Vista, in the County of San Diego, State of California, according to map thereof by Morrill, filed as map no. 166 filed in the Office of the County Recorder of San Diego County, bounded and described, as follows:

Commencing at the Northeast corner of said fractional quarter Section 171; thence south $17^{\circ}54'28''$ east along the easterly line of said fractional quarter section, 1270.95 feet to a point on a line nine feet parallel to and northerly of the westerly prolongation of the northerly line of "H" Street as said street is shown on the map of Bay Villa Tract, according to map thereof no. 1198, on file in the Office of the County Recorder of San Diego County; thence south $72^{\circ}12'00''$ west along said parallel line, a distance of 170.00 feet to the true point of beginning of this description; thence

1 parallel with and distant 170.00 feet westerly from the easterly
2 line of said fractional quarter sections, the following three courses
3 and distances: (1) south $17^{\circ}54'28''$ east 49.14 feet; (2) south
4 $17^{\circ}47'12''$ east 1321.96 feet; and (3) south $17^{\circ}50'01''$ east 1283.10
5 feet to a point in the westerly prolongation of the northerly line of
6 "J" Street, as shown on record of survey no. 917 on file in the
7 Office of the County Recorder of San Diego County; thence along
8 said westerly prolongation south $72^{\circ}04'39''$ west 593.24 feet to a
9 point on the ordinary high water mark of San Diego Bay, as said
10 ordinary high water mark was fixed and established by that
11 agreement recorded June 22, 1953, in book 4897, page 408, of
12 official records, San Diego County and as shown on miscellaneous
13 map no. 217 on file in the Office of the County Recorder of San
14 Diego County; thence along said ordinary high water mark the
15 following eight courses and distances: (1) north $07^{\circ}04'12''$ west
16 491.51 feet to station 117; (2) north $04^{\circ}01'57''$ west 568.80 feet to
17 station 116; (3) north $14^{\circ}12'27''$ west 489.77 feet to station 115;
18 (4) north $22^{\circ}26'52''$ west 184.97 feet to station 114; (5) north
19 $57^{\circ}45'31''$ west 230.80 feet to station 113; (6) north $20^{\circ}56'53''$ west
20 453.58 feet to station 112; (7) north $24^{\circ}18'00''$ west 233.28 feet to
21 station 111; and (8) north $30^{\circ}20'10''$ west 87.43 feet to a point on
22 a line nine feet parallel to and northerly of the westerly
23 prolongation of the northerly line of "H" Street as described; thence
24 along said parallel line north $72^{\circ}12'00''$ east 568.65 feet to the true
25 point of beginning.

26 (b) The lease of the lands that are described in subdivision (a);
27 designated No. PRC 8121, from the State Lands Commission to
28 the district shall terminate on January 1, 2001.

29 (c) The district shall own, operate, and manage the public trust
30 lands described in subdivision (a) in accordance with the same
31 terms, trusts, and conditions as the tide and submerged lands
32 granted to it and held pursuant to Chapter 67 of the Statutes of
33 1962 of the First Extraordinary Session, as amended.